

Attachment 4.

SALE OF ROE FROM SUBSISTENCE CAUGHT
SALMON IN THE ARCTIC-YUKON-KUSKOKWIM
REGION, 1974-1976

REPORT TO THE ALASKA LEGISLATURE
FEBRUARY, 1977

ALASKA DEPARTMENT OF FISH AND GAME
DIVISION OF COMMERCIAL FISHERIES

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Preface

The sale of roe from subsistence caught salmon has been allowed in the Arctic-Yukon-Kuskokwim region since 1974. Statutes that provide for legalization of these sales expired January 1, 1977. Presumably the Legislature intended to thoroughly review this subject in order to determine if subsistence roe sales should be allowed beyond the 1976 season. This report reviews the history, production, economic values and fishery management implications associated with subsistence roe sales.

SALE OF ROE FROM SUBSISTENCE-CAUGHT SALMON IN THE ARCTIC-YUKON-KUSKOKWIM REGION

Introduction

In years past when native people were experiencing a traditional or "pure" subsistence type of livelihood, all or nearly all portions of fish captured were probably utilized. Salmon roe, a fish by-product, was consumed by people with probably greater quantities fed to their sled dogs. Due to recent changes in employment and welfare opportunities, there has been a gradual decline in the dependence upon subsistence fishing in many areas. Replacement of sled dogs with snowmachines has also been a very important influence on the decline in utilization of salmon and salmon roe. From reports received from various village residents, much of the roe from subsistence caught salmon was discarded in the recent years prior to 1974. Actual amounts of salmon roe either discarded or utilized during these earlier years were never documented.

There are many problems involving the documentation of the amount of roe utilized and/or wasted in the subsistence fishery. It is believed that some native fishermen continued to store or dry their salmon roe with the intention of some future use, but significant amounts were probably never used. Most fishermen would be hard pressed to quantify the amount of roe retrieved from their salmon catch, the amount consumed or the amount wasted.

Initial interest in permitting sales of subsistence caught salmon roe came from commercial salmon buyers. Beginning with the 1973 season, most Kuskokwim

area buyers and a few buyers in the upper Yukon illegally augmented their roe production to some extent from subsistence fishing channels. It was estimated that illegal purchases of subsistence salmon roe represented 10-15 percent of the reported commercial roe production for the Kuskokwim area in 1973.

Three different bills were introduced in the 1974 Legislature that involved legalization of the sale of subsistence caught salmon roe. None of these bills passed as they remained in committee through adjournment.

In the spring of 1974 it was apparent that several commercial salmon buyers were gearing up to illegally purchase even larger amounts of subsistence roe. Both the Departments of Fish and Game and Public Safety assigned additional personnel for fishery patrol in an attempt to minimize the illegal purchases of subsistence roe. The major thrust of the enforcement program consisted of increased surveillance of buying and processing stations. News releases and notices were issued to clarify existing regulations.

An emergency regulation with an effective date of June 15, 1974 was issued by the Commissioner which allowed the unrestricted sale of salmon roe obtained as an unavoidable product of legal subsistence fishing throughout the entire A-Y-K region. Issuance of the emergency regulation, in effect for 120 days, was coincidental with the beginning of the salmon runs.

In 1975 the Legislature adopted an Act (Appendix 1) with an effective date of

May 29 that legalized subsistence salmon roe sales only in the A-Y-K region.

These statutes contained the following important provisions:

1. Expiration date is January 1, 1977. Sales after this date will presumably depend on further legislative review and action.
2. No person may purchase or trade for subsistence salmon roe unless he possesses an annual permit issued by the Commissioner.
3. The Commissioner may close any or all areas to the sale of subsistence salmon roe if the waste of carcasses, damage to stocks or circumvention of management programs is occurring. A separate section defining the "waste of salmon" and penalties for violators is included.
4. If the subsistence catch in an area exceeds or is likely to exceed by 10 percent the 1974 subsistence catch for that area, the Commissioner shall close that area to the sale of subsistence salmon roe.
5. The Board of Fisheries may adopt regulations necessary to allow the sale of roe based on traditional subsistence needs in harmony with the maintenance of salmon stocks on a sustained yield basis.

In order to administer the legislation, the Commissioner issued an emergency regulation in June of 1975. This emergency regulation (Appendix 2) contained provisions pertaining to permitting and reporting requirements in addition to prohibiting subsistence roe sales in areas where the salmon runs were especially vulnerable or where recent subsistence salmon catches were negligible.

The Board of Fisheries in December of 1975 adopted regulations for the 1976 season that were similar to the provisions contained in the aforementioned emergency regulation. The Board regulations contain an additional important provision which provides that sale of subsistence roe may be prohibited when the subsistence catch exceeds or is likely to exceed the 1970-74 average annual harvest in any district or subdistrict. These regulations (Appendix 3) will remain in effect until changed by future Board action or superseded by Legislation.

Description of Subsistence Roe "Fishery"

Current Board of Fisheries' regulations allow the sale of subsistence salmon roe only in the main Yukon River, main Tanana River downstream of the Chena River, main Kuskokwim River downstream of the Kolmakoff River, Goodnews Bay and at Quinhagak (subdistrict 4 of the Kuskokwim area). Although permitted over a greater portion of the region in 1974 and 1975, the vast majority of sales occurred in the aforementioned areas.

Table 1 presents information on the poundages of subsistence roe sold, number of persons making sales and economic values for each management area.

Locations of the various management areas are shown in Figure 1. Chum salmon roe comprises approximately 75 percent (by weight) of all sales with the remainder being king salmon roe. Small amounts of roe from the other salmon species are sold and these are included in the chum salmon totals.

Record roe sales were made in 1976 totaling 232,000 pounds from all species. A total of 182,000 and 156,000 pounds were sold in 1974 and 1975 respectively.

Record sales were also made in 1976 from the standpoint of fishermen sales (\$431,000), average earnings (\$261) and first wholesale value (\$862,000).

The numbers of persons making roe sales each year ranged from 1425 to 1650. In 1976 it was determined that of the 1650 persons that sold roe, approximately one-half (699) held an entry permit and fished commercially. All persons that made sales were probably not fishermen since it was common practice for parents to give roe to their children to sell.

Twenty subsistence roe buyers operated in the region during 1976, with four major buyers processing 75 percent (by weight) of all roe purchased. Prices paid to Kuskokwim River fishermen (average \$2.12/lb in 1976) were substantially greater than prices paid to Yukon fishermen (average \$1.38/lb. in 1976).

First wholesale prices listed in Table 1 are based on 1975 values and are considered low.

Table 1. Subsistence salmon roe sale information by management area and year, Arctic-Yukon-Kuskokwim Region, 1974-76.

Pounds of raw product	Kuskokwim	1974 Yukon	Total	Kuskokwim	1975 Yukon	Total	Kuskokwim	1976 Yukon	Total
King	34,581	717 ^{1/}	35,298	24,399	2,467	26,866	61,714	5,830	67,544
Chum	98,602	48,528 ^{1/}	147,130	57,711	71,328	129,039	95,389	68,647	164,046
Total	133,183	49,245 ^{1/}	182,428	82,110	73,795	155,905	157,103	74,487	231,590
Value of Sales	\$180,000	\$ 37,000 ^{2/}	\$ 217,000 ^{2/}	\$124,000	\$ 85,000	\$ 209,000	\$334,000	\$ 97,000	\$431,000
Number of persons reporting sales	1,438	186 ^{2/}	1,624 ^{2/}	1,200	225	1,425	1,321	329	1,650
Average sales value per person	\$ 125	\$ 191 ^{2/}	\$ 133 ^{2/}	\$ 103	\$ 378	\$ 147	\$ 253	\$ 295	\$ 261
Number of processors	4	11	15	4	14	18	6	14	20
First wholesale value ^{3/}	\$360,000	\$74,000	\$434,000	\$248,000	\$170,000	\$418,000	\$668,000	\$194,000	\$862,000

^{1/} Includes small amounts of roe taken in Norton Sound.

^{2/} Does not include small undetermined number of Norton Sound Fishermen.

^{3/} Based on 2x that of fishermen value.

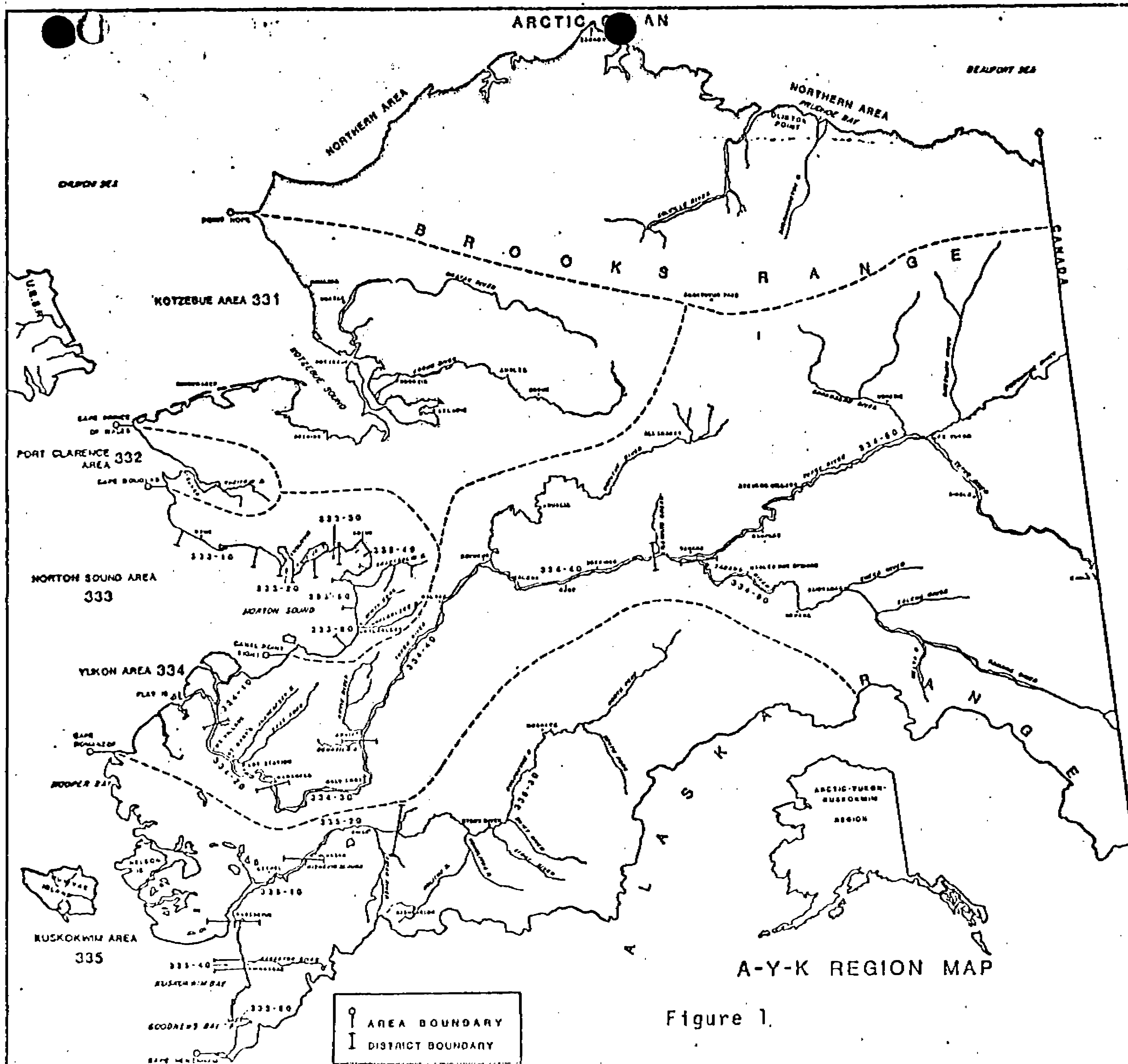


Figure 1.

Table 2 shows subsistence roe data recorded during 1974 through 1976 for each sub-area. The largest quantities of roe were sold in the following sub-areas: Kuskokwim River from the mouth to Akiak (83% by weight), mid-Yukon River (17%) and Tanana River (10%). Small amounts were sold in the lower and upper Yukon river areas and in some coastal villages. The small subsistence fisheries or remote locations of these latter areas make it uneconomical to transport the roe long distances to central processing plants.

Since subsistence fishing occurs in many widely scattered villages and fish camps, the roe buyers have developed an extensive collection system. Buyer representatives are placed in most villages and the larger fish camps in areas where subsistence roe sales are permitted. Fishermen are provided plastic buckets in which to place roe and these are transported almost daily by boat or aircraft to processing plants, most of which are located in Bethel, Galena, Nenana and Fairbanks. For the most part, processing is accomplished by Japanese technicians who slat and pack the roe using conventional methods required for marketing in Japan.

Due to the extensive nature of the subsistence fishery, the monitoring of roe sales is a substantial task. Accurate and timely information regarding the amounts of roe sold is essential since sales are prohibited when subsistence harvests exceed levels specified in the regulations. For example, with subsistence fishing occurring from 5 to 7 days a week, as much as 45,000 pounds of roe representing a subsistence catch of nearly 100,000 fish can be made in

Table 2. Subsistence salmon roe sale information by sub-areas, Arctic-Yukon-Kuskokwim region, 1974-1976 1/

	<u>Pounds of King Salmon Roe</u>	<u>Pounds of Chum Salmon Roe</u>	<u>Value of Sales</u>	<u>Number of persons reporting sales</u>	<u>Value of sales per person</u>
<u>Kuskokwim Area</u>					
Kuskokwim River			\$170,473	1,055	\$162.00
Mouth to Akiak	33,859	66,710	36,323	169	215.00
Upstream of Akiak	4,179	16,144	206,796	1,224	\$169.00
Totals	38,038	82,854			
Quinhagak	2,047	1,096	\$ 5,397	95	\$ 57.00
Goodnews Bay	163	2	\$ 222	2/	2/
Hooper Bay	0	34	51	1	51.00
Area Totals	40,095	83,984	\$212,244	1,320	\$277.00
<u>Yukon Area</u>					
Lower Yukon River (mouth-Holy Cross)	955	3,955	\$ 5,598	43	\$130.00
Mid-Yukon River (Anvik-Ruby)	197	31,501	34,616	108	321.00
Upper Yukon River (Upstream of Tanana)	972	10,985	12,330	51	242.00
Tanana River	798	17,048	20,062	45	445.00
Area Totals	2,922	63,489	\$ 72,606	247	\$294.00
<u>Norton Sound Area</u> <u>2/</u>	249	1,627	3/	3/	3/

1/ All data represents averages for 1974-76.

2/ Sales occurred only during 1974.

3/ Information not available.

the Kuskokwim River during a single week. Pounds of roe sold daily and weekly are obtained from written reports and special roe tickets provided buyers.

Since statehood, annual subsistence harvests have been obtained by comprehensive surveys made at the end of the fishing season. Present regulations require that estimates of in-season catches also be obtained. This is accomplished by translating pounds of subsistence roe sold to numbers of fish using sex ratio and average roe weight information.

Several emergency orders were issued prohibiting subsistence roe sales in various subdistricts when subsistence catch levels or "quotas" specified in the regulations are attained. These "quotas", which have been utilized for management purposes since 1975, represent traditional recent harvests made prior to the legalization of subsistence roe sales. Subsistence fishing could continue after roe sales were prohibited, but it was observed that effort often declined sharply thereafter.

King and chum salmon "quotas" are based on the 1974 (+10%) harvest and the 1970-1974 average annual harvest respectively. The Department has exercised the option provided in current statutes and regulations of selecting the base period for establishing "quotas" of moderate magnitudes.

Table 3 compares the catch "quotas" with in-season catch estimates from roe

Table 3. Comparison of estimated and recorded subsistence salmon catches to "quotas",
AYK Region, 1974-76. (1976 actual catches are preliminary).

<u>King Salmon</u>	<u>Kuskokwim River (subdistricts 1 & 2)</u>		
	<u>1974</u>	<u>1975</u>	<u>1976</u>
"Quota" <u>1/</u>	None	27,600	27,600
Estimated Catch <u>2/</u>	20,300	32,000	43,000
Actual Catch <u>3/</u>	25,100	45,400	59,600
 <u>Chum Salmon</u>			
"Quota" <u>1/</u>	None	169,800	169,800
Estimated Catch <u>2/</u>	313,000	185,100	246,100
Actual Catch <u>3/</u>	260,900	158,300	205,700
 <u>Yukon River (excluding Yukon Territory)</u>			
<u>King Salmon</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>
"Quota" <u>1/</u>	None	17,050	17,050
Estimated Catch <u>2/</u>	687	2,363	3,533
Actual Catch <u>3/</u>	15,741	13,874	12,185
 <u>Chum Salmon</u>			
"Quota" <u>1/</u>	None	207,491	207,491
Estimated Catch <u>2/</u>	97,056	142,656	171,567
Actual Catch <u>3/</u>	238,149	210,622	238,702

1/ "Quotas" established by Department in 1975 and adopted as Board regulations in 1976: subsistence roe sales prohibited when king salmon catches exceed 1974 recorded catches by 10% and when chum salmon catches exceed 1970-74 average annual recorded catches.

2/ Catches estimated from lbs. of subsistence roe sold using sex ratio and average roe weight per fish information.

3/ Catches from systematic personal interview and survey of subsistence fishermen conducted at end of fishing season.

sales and actual catches from end of the season surveys. Differences between these data point out the difficulty associated with determining the magnitude of subsistence catches by any method. Large differences between estimated and actual catches are generally the result of roe not being sold from all salmon captured and catches made after roe sales were prohibited. Roe sales in the Kuskokwim River during 1976 should have been prohibited earlier in the season as the "quotas" were greatly exceeded. This was largely the result of problems encountered by the staff in making timely in-season catch estimates.

Management Considerations

Traditionally, the subsistence salmon fishery was naturally limited by personal food requirements and the numbers of salmon that could be handled in a day and hung to dry or smoke during the season. These restraints do not apply to any fishery where the profit motive can be paramount. For example, a Kuskokwim River subsistence fisherman currently is paid approximately \$6.80 and \$1.58 for the roe sold from a single king and chum salmon respectively. These prices are only slightly less than what the carcass of these species are worth to a commercial fisherman in the same area. The high value of subsistence salmon roe is an incentive for some individuals - buyers and fishermen - to risk violating either the intent or legal wording contained in existing statutes and regulations. Wastage, misuse and overfishing of the salmon resource were documented for specific times and locations during the past three seasons. Increased violations or erosion of management control could jeopardize future maintenance

of salmon stocks on a sustained yield basis.

During 1974-76 the Department received twelve documented reports or complaints from local residents concerning intentional wastage of salmon carcasses during the fishing season. These reports involved persons observed throwing carcasses into the river and piles of rotting carcasses. During this same time, department personnel documented only two instances of intentional wastage, both involving carcasses left to rot on the beach. These discarded carcasses contained females that had been stripped of their roe. In most instances the names of persons involved could not be determined. The problem of carcass disposal during the fishing season apparently declined during the last two seasons. This was probably the result of publicizing wanton waste provisions and penalties, placement of additional Department employees to monitor sales in key villages and social pressures exerted by law-abiding local residents.

Another difficult to detect, but potentially greater form of wastage exists.

Large quantities of dried salmon captured the previous summer were observed by Department personnel in caches and smokehouses of several Kuskokwim villages during the spring of 1975. Due to the very poor condition of these fish, most were probably discarded as the current year salmon run was just beginning. Often the portion of the catch in excess of real need is stored in the open and is very susceptible to spoilage. Again, local residents have reported that this form of wastage does occur in some Yukon and Kuskokwim River communities.

Unintentional wastage of fish due to improper curing and storage methods coupled with adverse weather conditions has always been associated with the subsistence fishery. Compared to the amounts of salmon presently utilized for food, wastage that is traceable to subsistence roe sales is probably relatively insignificant.

New areas being fished, fishing late at night, cessation of fishing after subsistence roe sales have been prohibited and substantially larger catches were documented for specific times and locations during the last three seasons. This is indicative of changing subsistence fishing patterns including increased effort.

Subsistence catches of chum salmon, the most abundant species, declined in most areas during 1966-73 due to decreased effort resulting from fewer sled dogs being kept and more employment opportunities. Kuskokwim River catches did not exhibit a similar decline during this period. Yukon and Kuskokwim River chum salmon catches increased substantially during 1974-76 compared to previous recent years. This increase was probably due to a combination of factors that included above average run magnitudes and increased fishing effort. The effect that roe sales had on fishing effort cannot be quantitatively assessed at this time.

During 1974 through 1976, when subsistence roe sales were permitted, the average annual chum salmon catch increased 70 percent in the Kuskokwim

Table 4. Annual subsistence salmon catches made during 1964-1976 in portions of the Kuskokwim and Yukon Rivers where subsistence roe sales occurred in 1974-76.

<u>Year</u>	<u>Kuskokwim River ^{1/}</u>		<u>Yukon River ^{2/}</u>	
	<u>King Salmon</u>	<u>Chum Salmon ^{3/}</u>	<u>King Salmon</u>	<u>Chum Salmon ^{3/}</u>
1964	26,912	142,277	19,480	460,712
1965	26,186	236,197	16,950	436,306
1966	47,304	142,129	11,507	204,913
1967	56,470	166,896	16,306	256,926
1968	29,551	216,022	11,883	170,522
1969	36,973	165,233	13,916	195,476
1970	66,807	218,985	13,474	199,163
1971	39,781	101,170	21,670	171,247
1972	39,596	103,025	17,079	119,335
1973	37,315	164,992	19,458	167,106
1974	25,096	260,912	16,584	256,636
1975	45,365	158,257	14,155	250,054
1976 ^{4/}	59,629	205,676	12,095	190,225

^{1/} Mouth to Chauathbaluk.

^{2/} Mouth to Fort Yukon and Tanana River (does not include Fairbanks).

^{3/} Includes small numbers of the other salmon species.

^{4/} Preliminary data.

River and 50 percent in the Yukon River when compared to the previous 3 year averages. In the upper Kuskokwim River (upstream of Chuathbaluk), where subsistence roe sales were prohibited, the average annual catch made during 1974-76 increased only 20% compared to the previous three year average. In the Koyukuk River system, where roe sales were prohibited, the increased 1974 through 1976 catch was similar to that for portions of the Yukon River drainage open to subsistence roe sales.

There are some indications that subsistence fishermen are exerting more effort during the early portion of the season (and runs) which may be in response to competition for an increased share of the subsistence roe sales. Figure 2 shows seasonal catch patterns for the Kuskokwim River during and prior to the legalization of subsistence roe sales. Generally these graphs show catches were made during a longer time span during years when roe sales were not allowed. The 1964 season was an exception, but the run that year was exceptionally late and of short duration. If this trend of greater fishing effort early in the season continues, then measures will have to be taken to spread subsistence harvests throughout the run to prevent overharvesting of specific stocks. This will require additional weekly closures.

A possible consequence resulting from the authorization of the sale of subsistence caught salmon roe is that the concept and management of subsistence fishing may be permanently altered. Present subsistence fishing regulations in the A-Y-K region are quite liberal which is in recognition of the traditional personal needs of the large native population. If the problems cited in this section continue, then the state policy which assigns the highest priority among beneficial uses to subsistence fishing must be re-examined. Most

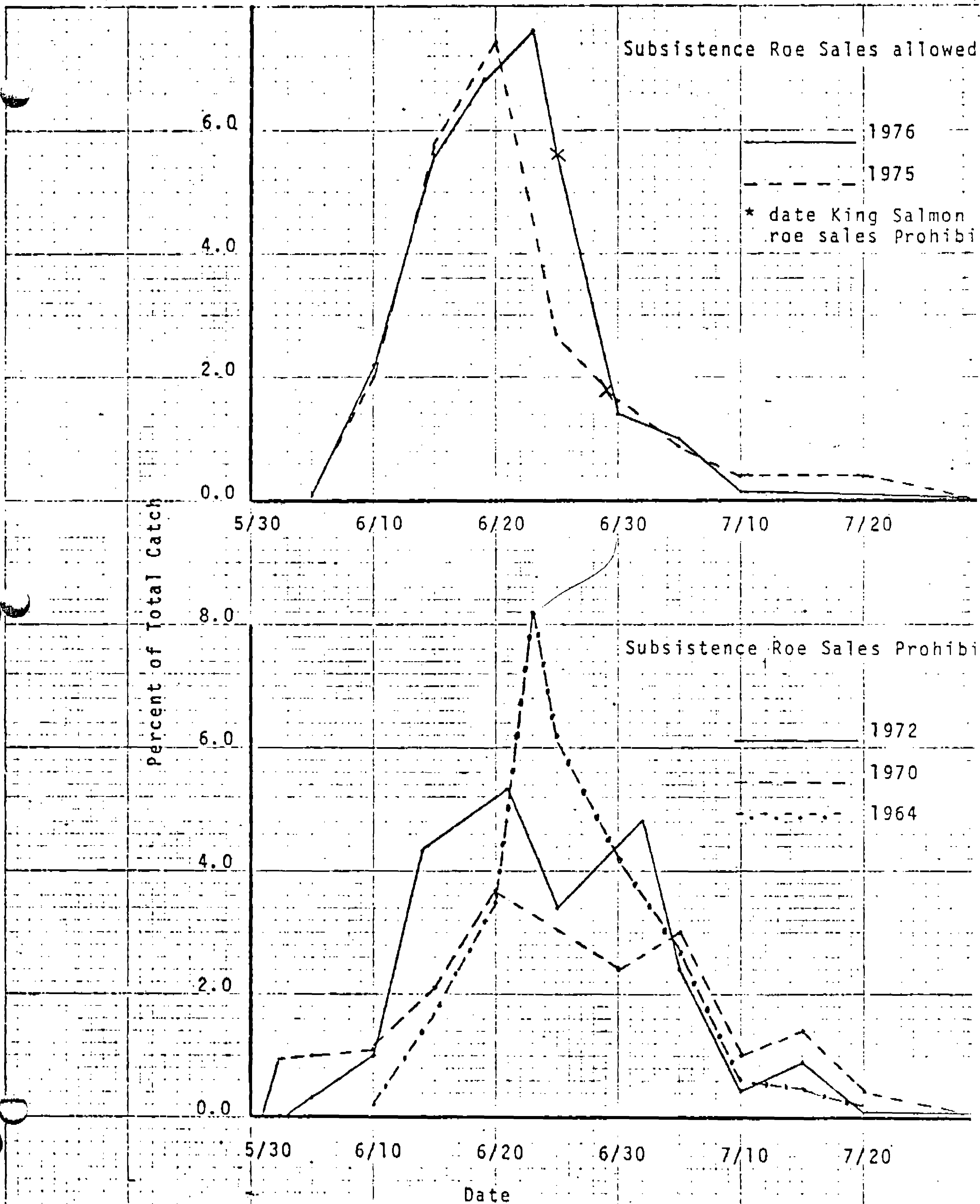


Figure 2. Kuskokwim River (subdistrict 1) daily subsistence king salmon catch (Usable daily catch information available only for above years)

salmon populations are being harvested at maximum levels, and an increase in subsistence fishing effort and utilization must be countered with additional restrictions on subsistence fishing, commercial fishing or on both fisheries. If subsistence fishing requires further definition and restriction, many persons with genuine subsistence needs will be adversely affected by others who are much less dependent on a subsistence livelihood, but continue to fish mainly for the purpose of selling roe. This concern has been expressed to Department personnel on occasion by several long-term residents, who still fully utilize their catch for traditional use. These persons are opposed to the sale of subsistence roe because they feel it threatens their traditional life style.

The Department received an additional \$19,000 in FY '77 (July 1, 1976 to June 30, 1977) to monitor the subsistence roe "fishery". Although three seasonal fishery technicians were hired, it was estimated that Yukon and Kuskokwim area biologists still devoted approximately one-quarter of their time to some aspect of monitoring roe sales during the 1976 fishing season. Thus, less time was afforded biological studies and management of commercial fisheries.

Recommendations

It is not the purpose of this report to recommend whether or not subsistence

roe sales should be extended beyond the 1978 season. The issues are very complex and require careful examination of economic and social as well as biological factors.

The Department cannot predict in quantifiable terms what effects continued subsistence roe sales will have on the fishery and salmon resource. Based on current information and trends, there is a strong likelihood that additional fishing restrictions will be necessary to manage the roe "fishery". The extent of changes in regulations or management strategies will be dependent on the extent of problems associated with future subsistence roe sales.

Statutory or regulatory prohibition of future subsistence roe sales will not necessarily eliminate such sales. Due to the small staff, remoteness and vast size of the region and the existence of subsistence fisheries within major commercial fishing areas, blackmarketing of roe would be difficult to control. The Kuskokwim River fishery would be easier to control in this regard than the upper Yukon-Tanana River fishery.

The following recommendations should be considered only if the Legislature approves future subsistence roe sales:

1. These roe sales must continue to be regarded as an experiment and should not be given more than a 2-year extension. Many questions concerning this subject cannot now be determined and

will require additional time for data collection and to more clearly distinguish trends in subsistence utilization. This should also enhance regulatory and statutory compliance on the part of all fishery participants.

2. An annual Department report covering all aspects of this subject should be submitted to the Legislature for determining necessary changes to enabling legislation.
3. Criteria and procedures involving revocation of permits issued to buyers of subsistence salmon roe should either be clarified or implemented. An existing Board of Fisheries regulation states that "any permittee who violates the terms of his permit or any other regulation or provision of law may have his permit revoked immediately by the Commissioner". Experience has shown that permit revocation is not easily accomplished. Permit revocation is an important deterrent and, to remain effective, must be initiated when serious violations occur.
4. Existing Board of Fisheries regulations controlling sale of subsistence salmon roe should be maintained.

APPENDICES



LAWS OF ALASKA

1975

Source

SB 451 am

Chapter No.

99

AN ACT

Relating to the sale of subsistence caught salmon eggs; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. INTENT. (a) It is the intent of sec. 2 of this Act to permit the sale or trade of salmon roe in the Arctic-Yukon-Kuskokwim District under strict permit and regulatory provisions to assure the health of subsistence economies in areas where such use will not jeopardize or interfere with the maintenance of existing salmon stocks.

(b) It is the intent of sec. 3 of this Act to control the waste of salmon resources.

* Sec. 2. AS 16.05 is amended by adding a new section to read:

Sec. 16.05.827. SALE OF SUBSISTENCE SALMON ROE. (a) Notwithstanding sec. 940(17) of this chapter, the board may adopt regulations permitting the sale of subsistence salmon roe under conditions the board considers advisable.

(b) The board may permit subsistence salmon roe sales under (a) of this section if

(1) the accustomed contribution of salmon to particular subsistence economies will be maintained, as modified by current needs; and

(2) subsistence salmon roe sales will not jeopardize or interfere with the maintenance of salmon stocks on a sustained yield basis.

(c) No person may purchase or trade for or attempt to purchase or trade for subsistence salmon roe unless he

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possesses an annual permit issued by the commissioner. The commissioner may specify terms and conditions of a permit required under this section. No license, entry permit or interim permit is required for the specific act of selling subsistence salmon roe. No person may purchase or transport or attempt to purchase or transport salmon roe which he knows or has reason to know was taken in violation of this section or regulations adopted under it.

(d) If the commissioner finds that sale of subsistence salmon roe is resulting in waste of salmon carcasses, damage to salmon stocks, or circumvention of salmon management programs, he may close any or all areas to subsistence salmon roe sale by emergency order. If the commissioner finds that the subsistence catch in an area exceeds or is likely to exceed, by 10 per cent, the 1974 subsistence catch for that area, he shall close that area to subsistence salmon roe sale by emergency order.

(e) Original purchasers of subsistence salmon roe shall record information required by the department on fish tickets supplied by the department.

(f) The board may adopt regulations it considers necessary for the administration of this section. The board may delegate its authority under this section to the commissioner.

(g) A person who violates this section or a regulation adopted under it is punishable by a fine of not more than \$10,000, or by imprisonment for not more than six months, or by both.

(h) In this section, "subsistence salmon roe" means salmon roe incidentally obtained as an unavoidable by-product of lawful subsistence fishing.

* Sec. 3. AS 16.05 is amended by adding a new section to read:

Sec. 16.05.831. WASTE OF SALMON. (a) It is unlawful for a person to waste salmon intentionally, knowingly, or with reckless disregard for the consequences. In this section, "waste" means the failure to utilize the majority of the carcass, excluding viscera and sex parts, of salmon which are to be

(1) sold to a commercial buyer or processor;

(2) utilized for consumption by humans or domesticated animals; or

(3) utilized for scientific, educational, or display purposes.

(b) The commissioner may authorize other uses of salmon upon request if he finds that to do so would be consistent with maximum and wise use of the resource.

(c) A person who violates this section or a regulation adopted under it is punishable by a fine of not more than \$10,000, or by imprisonment for not more than six months, or

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by both. In addition, a person who violates this section is subject to a civil action by the state for the cost of replacing the salmon wasted.

* Sec. 4. Sections 1(a) and (2) of this Act expire January 1, 1977.

* Sec. 5. This Act takes effect immediately in accordance with AS 01.10.070(c).

-3-

Approved by governor: May 29, 1975
Actual effective date: May 30, 1975

Pursuant to the Administrative Procedure Act (Alaska Statutes 44.62) notice is hereby given that the Alaska Board of Fish and Game has adopted the following emergency regulations:

REGULATIONS PERMITTING THE SALE OF
SUBSISTENCE CAUGHT SALMON ROE
IN THE ARCTIC-YUKON-KUSKOKWIM AREA

CHAPTER 3. ARCTIC-YUKON-KUSKOKWIM AREA

ARTICLE 8. PURCHASE AND SALE OF SALMON ROE

5 AAC 03.805. SALE OF SALMON ROE. (a) Salmon roe incidentally obtained as an unavoidable by-product of the lawful subsistence fishing may be purchased or sold in accordance with the provisions of AS 16.05.827 and the provisions of this section and sec. 810 of this chapter.

(b) Each person, company, firm or other organization who purchases or processes subsistence-caught salmon roe shall obtain an annual permit issued by the commissioner or his authorized representative. Permits must be in the possession of the permittee at all times. Permits shall be obtained by the permittee in person from a representative of the department at least two days prior to purchasing or processing any subsistence-caught salmon roe. A separate permit must be obtained for each district, as described in sec. 200 of this chapter, in which purchases are made. No person may initiate any purchase of, or accept any subsistence-caught salmon roe, unless that person has a valid permit for the district.

(c) Purchasers of subsistence-caught salmon roe shall complete all purchases on the basis of the price per pound of unprocessed roe.

(d) Any permittee who violates the terms of his permit or any other regulation or provision of law may have his permit revoked immediately by the commissioner.

(e) Each person, company, firm or other organization who purchases or processes salmon roe shall submit weekly reports to a local representative of the department containing the following information:

(1) weight in pounds by species of unprocessed subsistence-caught salmon roe purchased;

(2) weight in pounds by species of unprocessed commercially-caught salmon roe purchased; and

(3) number of whole salmon by species purchased from commercial fishermen.

(f) Information required by (e) of this section shall be in the form of totals for the previous week and for the entire season to date.

(g) Permittees shall record information of each purchase of subsistence-caught salmon roe on fish tickets provided by the department. All entries on the fish ticket shall be completed by the permittee. Fish tickets required by this section may not be used to record information pertaining to purchases of commercially-caught salmon or salmon roe. Fish tickets required by this section shall be completed at the time the transfer of roe to the permittee is made. A copy of each fish ticket shall be given to the fisherman selling the roe and to the local representative of the department.

(h) All purchases of subsistence-caught salmon roe shall be made from the fisherman who took the salmon or a member of his immediate household. No person may act as a sales agent or in a similar capacity for purposes of vending subsistence-caught salmon roe to any permittee or other person.

(i) If the commissioner closes any district, subdistrict, or other area to subsistence-caught roe sales, no person shall initiate, enter into, or consummate any purchase agreement within the closed area for subsistence-caught roe after the closure becomes effective.

(j) No person shall enter into, initiate, or consummate any purchase agreement for any subsistence-caught salmon roe in any district or subdistrict which is closed to sale of subsistence-caught salmon roe. No permittee may purchase or process roe from any subsistence-caught salmon which he knows or has reason to know were taken from waters described in sec. 810 of this chapter.

(k) As used in this section, "purchase" means to buy, trade for, or otherwise receive subsistence-caught salmon roe for valuable consideration. No person may give or receive without valuable consideration subsistence-caught salmon roe.

(l) in areas open to the sale of subsistence-caught salmon roe, salmon taken for subsistence purposes must be consumed by the fisherman taking the fish or by a member of his immediate household.

5 AAC 03.810. SALMON ROE SALES PROHIBITED. No person may sell, trade, purchase, give, transport, or attempt to do any of the foregoing with salmon roe from salmon taken from any of the following waters:

(1) all waters in the Northern and Port Clarence districts;

(2) in the Norton Sound district, all waters listed under sec. 350 of this chapter and all rivers and streams within 500 yards of their termini as defined in 5 AAC 39.975 (14);

(3) in the Yukon district, all waters listed under sec. 350 of this chapter;

(4) in the Kuskokwim district, all waters listed under sec. 350 of this chapter except the lower portions of the Eek, Kwethluk, and Kisaralik rivers as indicated by stream markers placed by the department.

(5) in any waters closed to subsistence salmon fishing.

**ARTICLE 8.
PURCHASE AND SALE OF
SALMON ROE**

Section.

805. Sale of salmon roe

810. Salmon roe sales prohibited

§ AAC 03.805. SALE OF SALMON ROE. (a) Salmon roe incidentally obtained as an unavoidable by-product of lawful subsistence fishing may be purchased or sold only in accordance with the provisions of AS 16.05.827 and the provisions of this section and sec. 810 of this chapter.

(b) Each person who purchases or processes subsistence-caught salmon roe shall obtain an annual permit issued by the commissioner or his authorized representative. Permits must be retained in the possession of the permittee and readily accessible for inspection at all times. Permits shall be obtained by the permittee in person from a representative of the department at least 48 hours prior to purchasing or processing any subsistence-caught salmon roe. A separate permit must be obtained for each district, as described in sec. 200 of this chapter, in which purchases are made. No person may initiate any purchase of or accept any subsistence-caught salmon roe, unless that person has a valid permit for the district. Permits may designate requirements for weekly reports, roe ticket reporting, times and areas open to sale or processing and plant inspection.

(c) Purchasers of subsistence-caught salmon roe shall complete all purchases on the basis of the price per pound of unprocessed roe.

(d) Any permittee who violates the terms of his permit or any other regulation or provision of law may have his permit revoked immediately by the commissioner.

(e) Each person who purchases or processes salmon roe shall submit weekly reports to a local representative of the department containing the following information:

(1) weight in pounds by species of unprocessed subsistence-caught salmon roe purchased;

(2) weight in pounds by species of unprocessed commercially caught salmon roe purchased; and

(3) number of whole salmon by species purchased from commercial fishermen.

(f) Information required by (e) of this section must be in the form of totals for the previous week and for the entire season to date.

(g) Permittees shall record information for each purchase of subsistence-caught salmon roe on roe tickets provided by the department. All entries on the roe ticket shall be completed by the permittee. Roe tickets required by this section may not be used to record information pertaining to purchases of commercially caught salmon or salmon roe. Roe tickets required by this section shall be completed at the time the transfer of roe to the permittee is made. A copy of each roe ticket shall be given to the fisherman selling the roe and to the local representative of the department.

(h) Unless waived by stipulations contained in the permit required by this section, permittees shall comply with provisions of § AAC 39.130(a) and (b). Fish ticket requirements in § AAC 39.130(b) apply to roe tickets.

(i) All purchases of subsistence-caught salmon roe may be made only from the fisherman who

took the salmon or a member of his immediate household. No person may act as a sales agent or in a similar capacity for purposes of vending subsistence-caught salmon roe to any permittee or other person.

(j) The sale of subsistence-caught salmon roe will be prohibited by emergency order in any district or subdistrict when the subsistence salmon catch exceeds or is likely to exceed the 1970-74 average annual harvest. In no instance will the sale of subsistence-caught roe be allowed to continue in any district or subdistrict if the subsistence salmon harvest exceeds or is likely to exceed the 1974 subsistence harvest by 10 percent.

(k) If the commissioner closes any district, subdistrict, or other area to subsistence-caught roe sales, no person may initiate, enter into, or consummate any purchase agreement within the closed area for subsistence-caught roe after the closure becomes effective.

(l) No person may enter into, initiate, or consummate any purchase agreement for any subsistence-caught salmon roe in any district or subdistrict which is closed to sale of subsistence-caught salmon roe. No permittee may purchase or process roe from any subsistence-caught salmon which he knows or has reason to know were taken from waters described in sec. 810 of this chapter.

(m) As used in this section, "purchase" means to buy, trade for, or otherwise receive subsistence-caught salmon roe for valuable consideration. No person may give or receive without valuable consideration subsistence-caught salmon roe.

(n) In areas open to the sale of subsistence-caught salmon roe, salmon taken for subsistence purposes must be consumed by the fisherman taking the fish or by a member of his immediate household.

Authority: AS 16.05.827

§ AAC 03.810. SALMON ROE SALES PROHIBITED. No person may sell, trade, purchase, transport, or attempt to do any of these acts with roe from subsistence-caught salmon taken from any of the following waters:

(1) all waters in the Northern, Kotzebue, Port Clarence and Norton Sound districts;

(2) in the Yukon district, all waters listed under sec. 350 of this chapter;

(3) in the Kuskokwim district, all waters listed under sec. 350 of this chapter except in the lower portions of the Eek and Kwethluk Rivers as indicated by stream markers placed by the department;

(4) in any waters closed to subsistence salmon fishing.

Authority: AS 16.05.827